

Docket No. 500.43031X00  
Serial No. 10/642,632  
Office Action dated March 16, 2007

## **REMARKS**

### **I. Introduction**

By the present Amendment, claim 14 has been amended. No claims have been added or canceled. Accordingly, claims 1, 2, and 4-16 remain pending in the application. Claims 1 and 14 are independent.

### **II. Office Action Summary**

In the Office Action of September 14, 2006, claim 14 was rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,926,988 issued to Dristy et al. ("Dristy"). This rejection is respectfully traversed.

### **III. Allowable Subject Matter**

The Examiner's indication that claims 1, 2, 4-13, 15, and 16 are allowed is noted with appreciation.

### **IV. Rejection under 35 USC §102**

Claim 14 was rejected under 35 USC §102(e) as being anticipated by Dristy. The Office Action maintains the same grounds of rejection that are already of record. Regarding Applicants' previous arguments, the Office Action indicates that the claim language is unclear as to whether the two contact members are required to be in direct contact through the MEA, or may be in indirect contact where each is disposed on a side of the MEA. The Office Action indicates that Fig. 1 illustrates the two contacts being mutually separated by the MEA, but are in indirect contact only outside the MEA (and thus, not through it). The Office Action further indicates that the two contacts of Dristy are disposed on opposite sides of their MEA, and would be

Docket No. 500.43031X00  
Serial No. 10/642,632  
Office Action dated March 16, 2007

in indirect contact through that MEA. Various suggestions were also provided for amending the claim.

By the present Amendment, independent claim 14 has been amended to better define the claimed invention and clarify the arrangement of contact members. As amended, independent claim 1 defines a fuel cell for generating electric energy from a chemical reaction between hydrogen and oxygen. The fuel cell comprises:

- a membrane electrode assembly for generating an electric field through the membrane electrode assembly with the chemical reaction between the oxygen and the hydrogen;

- a pair of first and second contact members, the first contact member contacting a first side surface of the membrane electrode assembly, and the second contact member contacting a second side surface of the membrane electrode assembly; and

- a pressing member for generating a pressing force for urging each of the first and second contact members toward corresponding one of the first and second side surfaces in a pressing direction;

- wherein the pressing member has a head surface area extending in the transverse direction and contacting one of the first and second contact members to urge the one of the first and second contact member toward the corresponding one of the first and second side surfaces in the pressing direction, and

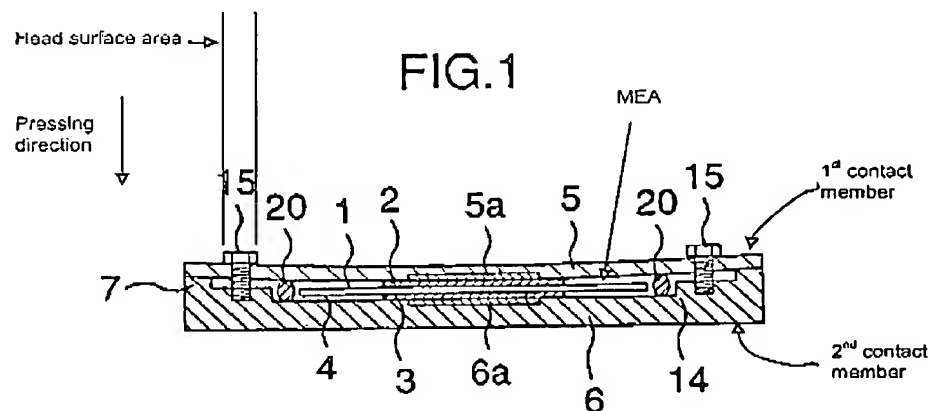
- within the head surface area as seen in the pressing direction, the first and second contact members are prevented from being connected to each other through the membrane electrode assembly in the pressing direction, and are prevented from contacting each other in the pressing direction.

According to independent claim 14, the fuel cell includes a membrane electrode assembly, a pair of first and second contact members, and a pressing member. The membrane electrode assembly generates the electric field through the membrane as a result of the chemical reaction between oxygen and hydrogen. The first and second contact members are arranged such that they contact a first side surface and a second side surface of the membrane electrode, respectively. The

Docket No. 500.43031X00  
 Serial No. 10/642,632  
Office Action dated March 16, 2007

pressing member generates a pressing force in order to urge to the first and second contact members toward the corresponding side surfaces along a pressing direction. The pressing member has a head surface area that extends in a transverse direction and contacts either the first or second contact member in order to urge it toward the corresponding second side surface in the pressing direction.

In particular, independent claim 14 has been amended to clarify the arrangement of the first and second contact members. When viewed in the pressing direction, the first and second contact members are prevented from being connected to each other through the membrane electrode assembly within the head surface area. Additionally, the first and second contact members are prevented from contacting each other in the pressing direction. (See below)

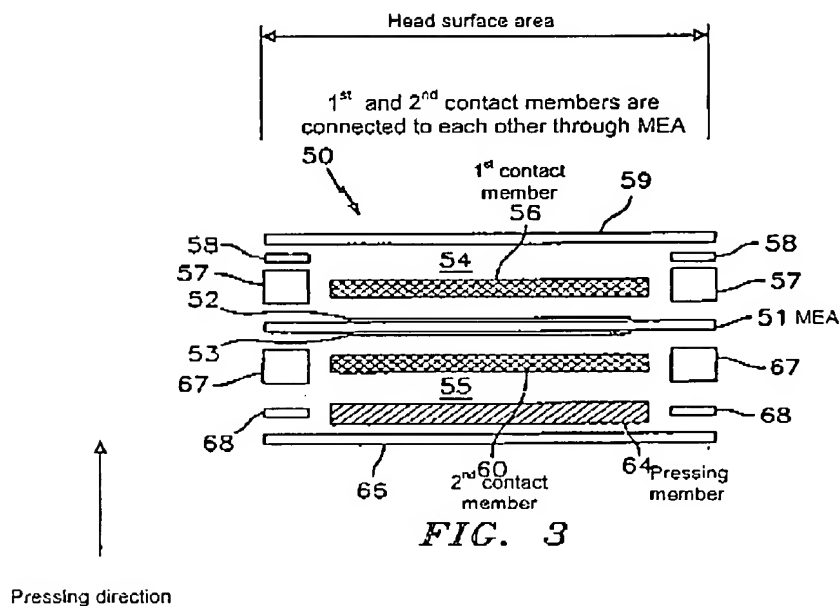


In contrast, Dristy shows that the two contact members 56 and 60 are located on opposite sides of the membrane electrode assembly. (See below). These two contact members do not appear to be also connected to each other, as set forth in independent claim 14. Rather, they directly contact the membrane electrode

Docket No. 500.43031X00  
 Serial No. 10/642,632  
Office Action dated March 16, 2007

assembly and, consequently, apply force directly to the membrane electrode assembly.

DRISTY



Dristy fails to disclose features of independent claim 14 such as:

within the head surface area as seen in the pressing direction, the first and second contact members are prevented from being connected to each other through the membrane electrode assembly in the pressing direction, and are prevented from contacting each other in the pressing direction.

It is therefore respectfully submitted that independent claim 14 is allowable over the art of record.

Docket No. 500.43031X00  
Serial No. 10/642,632  
Office Action dated March 16, 2007

**V. Conclusion**

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

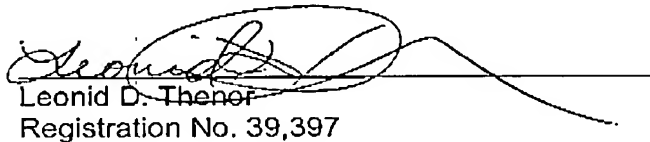
If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

Docket No. 500.43031X00  
Serial No. 10/642,632  
Office Action dated March 16, 2007

**AUTHORIZATION**

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 500.43031X00).

Respectfully submitted,  
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